

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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FALLS LAKE NATIONAL INSURANCE COMPANY, Docket No.: 1:19-cv-10491-
KMW-BCM
Plaintiff,

-against-

Default
~~PROPOSED JUDGMENT~~

270 WEST STREET LLC, CAPSTONE
CONTRACTING CORP., FERNHILL
CONSTRUCTION CORP., CRISTHIAN
OCHOA, and C & R CONSTRUCTION/REN,
INC.,

Defendants.

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This action having been commenced on November 12, 2019 by the filing of plaintiff FALLS LAKE NATIONAL INSURANCE COMPANY'S ("Falls Lake") Summons and Complaint, and a copy of the Summons and Complaint having been served on defendants 270 WEST STREET LLC, CAPSTONE CONTRACTING CORP., FERNHILL CONSTRUCTION CORP., CHRISTHIAN OCHOA, and C & R CONSTRUCTION/REN INC., by personal service on the Secretary of State of the State of New York, as authorized agent to accept service of process and proof of service having been filed (ECF Doc. # 12-15).

Defendant FERNHILL CONSTRUCTION CORP. not having answered the Complaint, and the time for answering the Complaint having expired; and

A Clerk's Certificate of Default (ECF Document 67) having been issued on May 15, 2020; and

Plaintiff, Falls Lake National Insurance Company, having moved for judgment in default as well as summary judgment, and it is hereby

ORDERED, ADJUDGED AND DECREED that plaintiff Falls Lake's motion for a

judgment against FERNHILL CONSTRUCTION CORP. is hereby GRANTED and it is Ordered and Declared that the Falls Lake Policy issued to Fernhill Construction Corp. enumerated in the complaint by number SKP 2000903 10 provides no coverage for the claims asserted, and that Falls Lake National Insurance Company has no obligation to afford defense or indemnification to FERNHILL CONSTRUCTION CORP. or any party as to the accident and claims asserted for a loss which occurred at 440 Washington Street, New York, New York 10013, and at issue in the underlying bodily injury action captioned Christian Ochoa v. 270 West Street, LLC, Index No.: 159073/2018, and pending in the County of New York, and its associated Third-Party Complaint naming Falls Lake's insured captioned 270 West Street, LLC v. Capstone Contracting Corp., Fernhill Construction Corp. (the "Ochoa Action"), together with such other relief as this Court deems just and proper.

Dated: 12/21/20

/s/ Kimba M. Wood

UNITED STATES DISTRICT COURT
JUDGE KIMBA M. WOOD